

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By **CHAIRMAN JOE MCKENNEY**, on January 18, 2001 at 8:00 A.M., in Room 172 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Joe McKenney, Chairman (R)  
Rep. Rod Bitney, Vice Chairman (R)  
Rep. Gary Matthews, Vice Chairman (D)  
Rep. Sylvia Bookout-Reinicke (R)  
Rep. Roy Brown (R)  
Rep. Nancy Fritz (D)  
Rep. Dave Gallik (D)  
Rep. Kathleen Galvin-Halcro (D)  
Rep. Dennis Himmelberger (R)  
Rep. Carol C. Juneau (D)  
Rep. Jim Keane (D)  
Rep. Rick Laible (R)  
Rep. Bob Lawson (R)  
Rep. John Musgrove (D)  
Rep. William Price (R)  
Rep. Allen Rome (R)  
Rep. Donald Steinbeisser (R)  
Rep. Brett Tramelli (D)  
Rep. James Whitaker (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Gordon Higgins, Legislative Branch  
Jane Nofsinger, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB279, HJ7, 1/18/2001  
Executive Action: HB234, HJ7

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**HEARING ON HEARING ON HB279**

**Sponsor:** REP. DAN MCGEE, HD21, Laurel

**Proponents:** None

**Opponents:** None

**Opening Statement by Sponsor:**

REP. DAN MCGEE, HD21, Laurel, said the Joint Resolution began as a bill and a simple idea. He asked if an employer told an employee to be at work in Eureka at 8:00 A.M. Monday and the employee lived in Billings, how the employer was to pay travel time to get there. He said the law is now that if you put two people in the car, the driver gets paid and the passenger does not. He said the travel time laws are not clear or fair. He said a review of the payment regarding travel time is necessary and that the state should work jointly with representatives of the United States Department of Labor.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:**

John Andrew, Department of Labor, said he had conferred with REP. MCGEE to better clarify the bill.

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

REP. MCGEE thanked the committee for the good hearing.

**HEARING ON HB279**

**Sponsor:** REP. JOE MCKENNEY, HD49, Great Falls

**Proponents:** Steve Meloy, Department of Commerce  
Tony Fisher, Board of Pharmacy  
Shirley Baumgartner, Board of Pharmacy  
Laurie Morin, Montana Pharmaceutical Assn.  
Tim Stratton, Board of Pharmacists  
Dave Forbes, Dean, School of Pharmacy, U of M

Jim Smith, Pharmaceutical Assn.  
Beda Lovitt, Montana Medical Assn.  
Tom Ebzery, St. Vincent's Health Care  
Susan White, Blue Cross Blue Shield of Montana  
John Flink, Montana Hospital Assn.  
Dennis Iverson, Pharmaceutical Research of America

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. JOE MCKENNEY, HD49, Great Falls,** said this bill revises laws regarding the practice of pharmacy. He said the bill came about after a conversation with , Randy Kiper, a constituent he met while campaigning door-to-door. **REP. MCKENNEY** then turned the testimony over the witnesses.

**Proponents' Testimony:**

**Mr. Meloy** said this was one of the best revisions of a bill he had ever seen. The bill tries to make the laws more uniform and it had been worked on for five years he said. He presented written testimony. **EXHIBIT(buh14a01)**

**Mr. Fisher** presented a clarifying amendment which included the term "compendium standards" to allow the most current reference book to be used. **EXHIBIT(buh14a02)** He presented written testimony. **EXHIBIT(buh14a03)** He said the pharmacy is the key role in managing drugs. He pointed out that the number of pharmacists are not increasing at the rate the number of new drugs are increasing.

**Ms. Baumgartener** said the bill would redefine pharmacists to be health care practitioners, register technicians through a written test, and allow for electronic transmission of prescriptions. **EXHIBIT(buh14a04)**

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**Ms. Morin** called this statute a collaborative effort which had been endorsed by pharmacists all across the state. She said the goal is for improved patient care. **EXHIBIT(buh14a05)**

**Mr. Stratton** presented a map showing 9 Montanan counties which do not have physicians and he spoke of the important role pharmacists play in rural Montana. **EXHIBIT(buh14a06)**

**Ms. Beall** said the bill would allow pharmacists graduating from the University of Montana to use contemporary pharmacy skills they have just learned without having to go to neighboring states to practice. The bill will allow the pharmacists to work with physicians in a collaborative practice and optimize drug therapy of our citizens. **EXHIBIT (buh14a07) EXHIBIT (buh14a08)**

**Mr. Kuiper**, representing hospital pharmacists, said the bill was good.

**Dr. Forbes**, Dean of the University of Montana School of Pharmacy, presented written testimony supporting the bill.  
**EXHIBIT (buh14a09)**

**Mr. Smith** told the committee the bill will improve the pharmacy industry. He said many pharmacies across Montana are small, family-owned businesses which have belonged to two or three generations in some cases.

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**Ms. Lovitt** said pharmacists are a vital link to good health care and she supported the bill.

**Mr. Ebzery** said this bill modernizes the definition of pharmacists and is in the best interest of the health industry.

**Ms. Witte** offered a short amendment which she said had received no objections from the Department of Commerce or the sponsor.  
**EXHIBIT (buh14a10)**

**Mr. Flink**, representing the Montana hospitals and nursing homes, said he supported the bill and had been involved in its creation.

**Mr. Iverson** also supported the bill.

**Opponents' Testimony:** None

**Informational Testimony:** **Bruce Spencer**, counsel for the Board of Pharmacy, said he was present to answer questions.

**Questions from Committee Members and Responses:**

**REP. GALLIK** asked **Ms. Deschamps** why the bill said "verbal", not other forms of communication and why "standards" was being removed. **Ms. Deschamps** said the bill was to encourage the patients to ask questions of their pharmacist in person. She said even though patients are given written information, few people

read it and probably only 50% comprehend it. She said pharmacists do not recite from pages of pharmaceutical standards because patients wouldn't understand it. Instead they talk in terms patients can relate to.

**REP. JUNEAU** asked **Ms. Deschamps** when a pharmacist can choose a generic drug and how this is indicated. **Ms. Deschamps** replied that according to the law written in 1975, pharmacists are required to have a sign written in large letters for public view offering to substitute a lower-priced generic drug for a brand name drug.

**REP. PRICE** asked **Mr. Forbes** to explain how pharmacy technicians are trained. **Mr. Forbes** said different states have different rules. Pharmacy technicians are support personnel used to extend the time available to pharmacists to perform their duties he said. Also, the pharmacy must have a plan to show how the technicians will be used. He said now technicians do not get a license or certificate to take with them and there has been "on-the-job" training in Montana. In the future, he anticipated technicians taking 20 or more hours of continuing education every 2 years and taking a National Certification Exam. He said he expects pharmacy technician to be a career choice in the future.

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**REP. LAIBLE** asked **Ms. Baumgartner** how many technicians there would be per pharmacist and what was currently taking place in terms of collaboration. **Ms. Baumgartner** said it was now 1:1 and possibly 2:1 depending on the setting. She told the committee that collaborative practice was not taking place in Montana now except in hospitals. She said pharmacists can monitor control of diabetic and asthmatic conditions in between doctor visits. She said early intensive instruction of disease management can save money and be a dramatic help.

**REP. BOOKOUT-REINICKE** asked **Ms. Baumgartner** what the financial arrangement between the physician and the pharmacist is. **Ms. Baumgartner** said today pharmacists are not defined as health care practitioners, but once that definition is clear then pharmacists could proceed with a payment schedule which they could bill to insurance companies for their services. She said she supported this and it was the way pharmacies were evolving but there were no collaborative health care practitioners in Montana at this time.

**REP. BROWN** asked **Mr. Meloy** if the indicated section was repealed how it would be covered. **Mr. Meloy** replied it would be covered under administrative rule. **REP. BROWN** said sometimes the

legislature does not always agree with administrative rules and that is why it was good to keep statutes intact.

**REP. LAIBLE** asked **Ms. Witte** if Blue Cross Blue Shield has compensated patients for this type of care in other states. **Ms. Witte** said she did not know but would check to see how this care was reimbursed.

**Closing by Sponsor:**

**REP. MCKENNEY** said he appreciated the hours and years of hard work it had taken to get this bill put together. He said this bill is for patients to be provided with the best care. He told the committee he would appreciate their support.

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**EXECUTIVE ACTION ON HB234**

**Motion:** **REP. LAWSON** moved that **HB234 DO PASS.**

**Discussion:**

**REP. LAWSON** offered a clarifying amendment and written testimony from Verizon. **EXHIBIT(buh14a11) EXHIBIT(buh14a12)**

**Motion/Vote:** **REP. LAWSON** moved that **HB234 DO PASS AS AMENDED.**

**Motion carried unanimously.**

**EXECUTIVE ACTION ON HJ7**

**Motion/Vote:** **REP. BROWN** moved that **HJ7 DO PASS. Motion carried unanimously.**

**ADJOURNMENT**

Adjournment: 11:00 A.M.

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REP. JOE MCKENNEY, Chairman

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JANE NOFSINGER, Secretary

JM/JN

**EXHIBIT** (buh14aad)